



Natural Resources Conservation Service  
6013 Lakeside Blvd.  
Indianapolis, IN 46278

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August 17, 2004

INDIANA BULLETIN NO. IN 300-4-5

SUBJECT: LTP - Wetlands Reserve Program (WRP) Use and Eligibility

Purpose: To provide clarification on WRP eligibility and the removal of topsoil from WRP sites.

Expiration Date: September 30, 2005

In regard to the Wetlands Reserve Program, three issues have been identified that need to be addressed. This bulletin provides clarification on these issues.

There have been questions regarding the removal of topsoil from WRP sites to be used offsite by the landowner for purposes other than WRP. Landowners that have entered into a WRP agreement (recorded easement) no longer retain the right to remove material. The WRP warranty easement deed specifically identifies obligations of the landowner and prohibitions on the WRP easement. Field offices are reminded that no discussions should take place with the landowner indicating that prohibited activities are acceptable, such as the removal of soil from the easement area. This issue has come up in the development of macrotopography on WRP easements – in which landowners want to take the topsoil off of a WRP easement and sell it. In essence the landowner wants to mine the soil for profitable means. The intent of macrotopography is to diversify the landscape with varying topography including areas of low mounds. Spoil material should not be removed from WRP easement areas. Natural Resources Conservation Service (NRCS) is paying significant dollars for the easement acres and for the actual restoration of the property. Those dollars are expended based on the implications of the WRP warranty easement deed and the ability of NRCS to determine restoration activities. Excavating soil material and disposing of it off site is not considered acceptable for WRP restoration work.

On a second matter concerning WRP applications, the State Conservationist has the authority to allow up to a one to one ratio of eligible land to other types of land. For example, 10 acres of prior converted cropland would be eligible land and an additional 10 acres of adjacent woods could be included as other additional acres for a total of 20 acres. Please note that additional acres have to be contiguous to the eligible acres and have to contribute to the functions and values of the wetland to be restored. We have had instances of landowners wanting to apply for additional land that is not contiguous to eligible acres. This is not an acceptable practice and those additional acres are not eligible for WRP. During the initial site review and ranking, field offices should be sure that sites are in fact eligible. A careful review of the eligibility requirements with the landowners will help minimize problems as the application progresses.

In regard to landowner eligibility for WRP, National policy states that a landowner must have owned the land for 12 months before submitting an application, unless one of three exceptions

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are met: 1) land was acquired by will or succession due to death of the previous owner, 2) ownership changed due to foreclosure on the land or 3) the State Conservationist determines the new owner did not acquire the land for the express purpose of placing it in WRP and a waiver of the one year ownership requirement is issued. We have had individuals try to request a waiver of the one year ownership prior to actually holding title to the land. During the application process field offices should request a copy of proof of ownership (copy of the deed) and include that material in the WRP application packet. Waivers of the one year ownership requirement are based on a case by case basis. Landowners pursuing a waiver should make written request to the State Conservationist. If a waiver request is made, then the local District Conservationist will be contacted to determine the merit of the request. The one year ownership policy was developed to reduce speculation of land purchases based on enrollment in the WRP program.

If you have questions concerning these matters or WRP please contact, Dwayne Howard, at (317) 290-3200 Ext. 386 or Gerald Roach, WRP Coordinator at (812) 752-2269 Ext. 3.

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JANE E. HARDISTY  
State Conservationist

Cc: USFWS, Bloomington, IN  
IDNR, Division of Forestry, Indianapolis, IN  
IDNR, Division of Fish and Wildlife, Indianapolis, IN  
Gerald Roach, WRP Coordinator, NRCS, Scottsburg, IN